

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2742**

**PETITION OF AGNES M. PATTI**

OPINION OF THE BOARD

(Opinion Adopted: March 25, 2009)

(Effective Date of Opinion: March 30, 2009)

Case No. S-2742 is an application, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on February 5, 2009, closed the record in the case on February 9, 2009, and on March 12, 2009, issued a Report and Recommendation for approval of the special exception.

Decision of the Board:                      Special Exception **Granted** Subject to  
The Conditions Enumerated Below.

The subject property Lot 37, Block 12, Brashears Subdivision and Lot 26, Block 83 Barclay Subdivision, located at 7306 Holly Avenue in Takoma Park, Maryland, 20912 in the R-60 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on March 25, 2009. After careful consideration and review of the record in the case, on a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with Walter S. Booth, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement, the Board **adopts** the Report and Recommendation and **grants** the special exception, subject to the following conditions:

1. Petitioner is bound by her testimony and exhibits of record to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board of Appeals.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than three persons.

3. Petitioner must make all of the corrections identified in DHCA's inspection memo, Exhibit 15. See pages 11-12 of this report.
4. Tenants in the accessory apartment may have, collectively, no more than one vehicle that they keep in the area of the subject site. If the Petitioner receives credible complaints from her neighbors about on-street tenant parking, she must require her tenant(s) to park in the driveway.
5. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.
6. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.
7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 30<sup>th</sup> day of March, 2009.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.